IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 1058 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE A.K.TRIVEDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

KH CHUDASMA

Versus

STATE OF GUJARAT

Appearance:

MR.AM DAGLI for MR YOGESH S LAKHANI for Petitioner

CORAM : MR.JUSTICE A.K.TRIVEDI

Date of decision: 13/06/2001

ORAL JUDGEMENT

1. Heard Mr.A.M.Dagli for Mr.Y.S.Lakhani, learned advocate for the petitioner.

2. During the submission for admission, learned advocate for the petitioner made a statement at Bar that

the petitioner is a plaintiff of Civil Suit No.316 of 1998 pending in the Court of Civil Judge (S.D.), Junagadh and the petitioner shall not press the Application for interim relief at Ex.5 and as the defendants have filed written statement, he shall proceed further with the matter. Under the circumstances, plaintiff be granted liberty to file fresh application for discovery or production of documents etc.

As the plaintiff has agreed not to press Application Ex.5 for interim relief before the trial Court, the trial Court shall dispose of such an application by taking Purshis from the plaintiff to that effect or endorsement and shall permit the plaintiff to move fresh Application for production of documents and decide the same in accordance with law, without being influenced by the impugned order in the present Application.

3. Subject to the above stated direction/observation, the learned advocate for the petitioner does not press the present Revision Application and as such, the Revision Application stands disposed of as withdrawn with no order as to costs.

(A.K.Trivedi,J.)

(vrpanchal)*